

SENATE JOINT RESOLUTION NO. 40

INTRODUCED BY SCHMIDT

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT THE LEGISLATIVE COUNCIL DESIGNATE AN APPROPRIATE INTERIM COMMITTEE OR DIRECT STAFF RESOURCES TO STUDY THE DELIVERY OF PROSECUTION SERVICES AND COUNTY CIVIL LEGAL SERVICES BY COUNTY ATTORNEYS IN MONTANA.

WHEREAS, the delivery of competent, qualified, and professional prosecution services is vital to a productive and responsive criminal justice system; and

WHEREAS, prosecution services on the Justice's and District Court level AND COUNTY CIVIL LEGAL SERVICES are now being provided by elected or appointed County Attorneys in every county in the state; and

WHEREAS, the degree of experience and training among Montana's County Attorneys varies greatly throughout the state, as do the salaries of elected County Attorneys and Deputy County Attorneys; and

WHEREAS, the State of Montana has the responsibility pursuant to section 17-7-112, MCA, to pay 50% of a County Attorney's salary, but the amount of that salary is determined by the County Compensation Board; and

WHEREAS, county government has the responsibility to fund 100% of the salary of all Deputy County Attorneys and all operational and maintenance costs of a County Attorney office; and

WHEREAS, the Attorney General's office now maintains a Prosecution Services Bureau that provides prosecution assistance on a limited basis to County Attorneys in primarily small jurisdictions; and

WHEREAS, a comprehensive legal needs study has recently been completed by the Law and Justice Interim Committee, resulting in the introduction of Senate Bill No. 146, the Montana Public Defender Act, creating a statewide public defender system to improve the delivery of indigent defense services on a statewide basis; and

WHEREAS, it is in the best interests of the people of the State of Montana to encourage and develop career ~~prosecutors~~ COUNTY ATTORNEYS who can provide consistent levels of prosecution services AND COUNTY CIVIL LEGAL SERVICES throughout the state.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF

1 THE STATE OF MONTANA:

2 That the Legislative Council be requested to designate an appropriate interim committee, pursuant to
3 section 5-5-217, MCA, or direct sufficient staff resources to review the delivery of prosecution services AND
4 COUNTY CIVIL LEGAL SERVICES BY COUNTY ATTORNEYS throughout Montana on the county level and to determine
5 whether any changes may be appropriate. The study must include:

6 (1) a review of the various means by which prosecution services AND COUNTY CIVIL LEGAL SERVICES are
7 being provided BY COUNTY ATTORNEYS in Montana counties;

8 (2) a review of the costs associated with the provision of prosecution services AND COUNTY CIVIL LEGAL
9 SERVICES BY COUNTY ATTORNEYS in Montana counties;

10 (3) changes in state law that may be necessary to facilitate the provision of prosecution services AND
11 COUNTY CIVIL LEGAL SERVICES BY COUNTY ATTORNEYS throughout the state;

12 (4) a review of funding sources currently available to address the provision of prosecution needs AND
13 COUNTY CIVIL LEGAL SERVICES NEEDS;

14 (5) a determination of the level of public funding required to provide consistent, uniform, and
15 professional prosecution services to the criminal justice system AND CIVIL LEGAL ADVICE TO ELECTED COUNTY
16 OFFICIALS; and

17 (6) any other aspect of the administration of prosecution services AND COUNTY CIVIL LEGAL SERVICES BY
18 COUNTY ATTORNEYS for Montanans that is determined to be appropriate.

19 BE IT FURTHER RESOLVED, that the study committee or staff be directed to request information and
20 staff assistance from the Legislative Fiscal Division.

21 BE IT FURTHER RESOLVED, that the study committee or staff be directed to develop a specific list of
22 options, including an option of no action, to be considered for recommendation to the 60th Legislature.

23 BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be
24 presented to and reviewed by an appropriate committee designated by the Legislative Council.

25 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
26 requirements, be concluded prior to September 15, 2006.

27 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
28 comments, or recommendations of the appropriate committee, be reported to the 60th Legislature.

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